

TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
SPECIAL COMMISSION MEETING MINUTES

Town Commission Meeting Room
4501 Ocean Drive
Wednesday, September 5, 2007
5:00 P.M.

1. CALL TO ORDER, MAYOR OLIVER PARKER

Mayor Parker called the meeting to order at 5:00 p.m. Vice Mayor Yanni, Commissioner McIntee, Commissioner Silverstone, Mayor Pro Tem Clark were present. Also present were Town Attorney James Cherof and Town Clerk June White.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Ordained Minister George Hunsaker gave the Invocation.

Attorney Cherof asked to amend the September 11, 2007 agenda to allow him to request a Closed Door Session.

Commissioner McIntee asked the reason for the Closed Door Session. Attorney Cherof replied that it regarded Bayman vs. the Town of Lauderdale-By-The Sea. He explained it was an appeal of the denial of the variance.

Hearing no objections, Mayor Parker amended the agenda.

2A. Request for Closed Door Session

Attorney Cherof explained that he was required to request a Closed Door Session at a Public Meeting. He explained it was to hear an appeal from this Commission's denial of a request for variance. Attorney Cherof requested a meeting for approximately 20 minutes.

There was brief discussion as to the rule of Closed Door Session and whether the time of the Regular Commission meeting could be made earlier. Attorney Cherof explained that if the Commission wanted to start the Regular Commission meeting earlier, the Regular meeting could begin and stop to go into a Closed Door Session. He said once the Closed Door Session was completed the Regular Commission meeting could continue.

Mayor Parker ordered to move the Tuesday, September 11, 2007 Commission meeting from 7:00 p.m. to 6:00 p.m. as the first item of business. There were no objections.

Town Commission Special Meeting Minutes
September 5, 2007

Commissioner McIntee requested an excused absence for the October 23, 2007 meeting. He explained he was going on a cruise. Mayor Parker requested an excused absence for the October 9, 2007 meeting for the same reason.

Mayor Parker made a motion to grant an excused absence for Commissioner McIntee for the October 23, 2007 an excused absence for himself for the October 9, 2007 meeting. In a roll call vote, the motion carried 5-0.

Mayor Parker requested a time limit of one and one half hours be placed on the meeting.

Vice Mayor Yanni and Commissioner McIntee requested to speak prior to Public Comments to avoid lengthy discussion during that time. Mayor Parker granted them two minutes.

Vice Mayor Yanni said that approximately 99% of the people he spoke with preferred a curb, a two foot buffer, and a five foot sidewalk. He believed there would be no additional costs involved and recommended a motion.

Commissioner McIntee said in conversation with Mr. Hamid Fouladi, of TENEX Enterprises, Inc., the average sidewalk size in Broward County was five feet. He added there would be not additional cost as only the forms would have to be moved to accommodate five foot sidewalks. Commissioner McIntee said that Mr. Fouladi was willing to do whatever he can to make the residents happy but that there were issues in which Florida Power and Light had precedence.

Mayor Pro Tem Clark asked if Commissioner McIntee spoke to Mr. Ameid regarding the buffer between the sidewalk and the curb. Commissioner McIntee said he did not. Mayor Pro Tem Clark believed it would be favorable to reduce the buffer also.

Commissioner Silverstone said he called this meeting to get this project completed. He hoped the Commission would make it happen

Mayor Parker asked Town Planner Walter Keller to verify the specs on the plans. Planner Keller explained that in order to place trees or street lights, the poles were required to be placed four feet back from the face of the curb. He added that the sidewalk could be reduced by one foot without changing the plans and without additional permits. He said changing the buffer would impact the street lights and the landscape plan. Planner Keller added that the face of the tree had to be four feet from the face of the curb for roadway safety.

Vice Mayor Yanni suggested a two foot buffer and no trees. Planner Keller said that a two foot buffer was useless as grass could not be maintained and it would become a maintenance nuisance. Vice Mayor Yanni suggested eliminating landscaping altogether. He said eliminating landscaping would eliminate irrigation, special curbing for the tree wells, tree grates, and would save approximately \$200,000 off the contract. He did not recommend a buffer smaller than four and a half feet to allow for the poles.

Town Commission Special Meeting Minutes
September 5, 2007

Mayor Pro Tem Clark asked what effect it would have if the street lights were put on the west side of the sidewalk and reducing the buffer. Planner Keller said it could be done if the sidewalk was moved up to the side of the curb but that would be a poor design. He added that AT & T was relocating the existing power poles to the back of the right-of-way and advised that the power poles and the street light poles could not be mixed together.

Commissioner Silverstone thought that perhaps only one light pole could be used, but Planner Keller said the poles were already ordered and would not save much money.

Commissioner made a motion to allow Planner Keller to answer questions from the public. Mayor Pro Tem Clark seconded the motion.

Commissioner McIntee wanted to limit the time. Mayor Parker limited the time to five minutes.

In a roll call vote, the motion carried 5-0.

3. PUBLIC COMMENTS

Mayor Parker requested he be the first to speak after Public Comments. There were no objections.

Barbara Cole was concerned that if the same streetscape was used on Washingtonia Avenue as on Seagrape Drive she would not have a front door.

Stuard Dodd said the residents did not want buffers. He said their only concern was safety. Mr. Dobbs said the residents wanted to keep their own gardens and suggested street lights reflect the ones on Codrington Drive. Planner Keller advised that if landscaping were eliminated the only savings would be \$200,000. He said the costs would remain the same for the street lights, drainage work, curbs, and electrical work.

Abby Vassel expressed her concerns regarding the two Royal Palm trees in her front yard. She said they were planted by her husband and her son and were of sentimental value. Planner Keller said the trees were in the FPL right of way. He said the trees could be relocated at the town's expense, but did not guarantee success. Commissioner McIntee suggested directing Manager Colon to send a letter to FPL, under Mayor Parker's signature, explaining the situation and requesting their advice.

There was additional discussion regarding encroachment on the utility easement. Commissioner Silverstone suggested making an arrangement with FPL and Commissioner McIntee suggested Manager Colon contact FPL. Mayor Parker agreed to sign the letter. There were no objections.

George Hunsaker said the reason for the street lights were for public safety.

Martha NaVarro was concerned that the sidewalk would be four feet from her bedroom window. She felt that controlling traffic and narrowing the streets would force drivers to

slow down. Ms. NaVarro asked who would be responsible for the sprinklers. Planner Keller said the contractor was.

Joe Correlle preferred narrowing the roadway to eleven feet. He said that would take away one foot off the buffer and one foot off the sidewalk.

Ed Neil distributed and read his letter dated August 29, 2007, regarding the North Seagrape Drive Streetscape Landscaping (hereunto attached to these minutes).

Ed Wick asked for verification as to whether the poles had been ordered. Planner Keller said he had signed off on the order and believed they were. Marc Levin, Tenex Corporation, believed they were ordered and said he would double check.

Regis Brady asked Planner Keller why the power lines needed to be moved at all. Planner Keller said they needed to be moved for to pave the way for the improvement. He added that AT & T was scheduled to do the poles next year because they did not meet hurricane safety and the poles can not be placed in the same place.

Mr. Brady asked whether the town needed curbs and Planner Keller said they were needed for drainage.

4. DISCUSSION AND OR ACTION PERTAINING TO:

North Seagrape Sidewalk Streetscape Project

Mayor Parker believed in the need for common good. He felt the sidewalks should be pedestrian friendly at six feet. Mayor Parker thought that street lights on utility poles were not very attractive. He believed if the job was going to be done it should be done right. Mayor Parker urged the Commission to stay with the plan as it is and do everything possible to move Abby Vassel's trees.

Commissioner Silverstone inquired as to the possibility of making the sidewalks on the south side wider and denser. Mr. Levine said that sidewalks right on the curb are not very attractive. Commissioner Silverstone suggested a five foot sidewalk and break down the landscaping as much as possible with no buffer.

Mayor Pro Tem Clark felt that pedestrian traffic was not heavy and that a five foot sidewalk with a smaller buffer and a ten foot roadway would be sufficient. He said the people always did a beautiful landscaping job.

Commissioner McIntee suggested a five foot sidewalk and reduce the buffer down to four and a half feet.

Planner Keller felt that the easiest thing to do would be to make the sidewalk five feet and leave everything else the same. He added that with one foot off the sidewalk half the

Town Commission Special Meeting Minutes
September 5, 2007

problems would be resolved. Planner Keller said he will try to go one to two feet and squeeze the buffer. In addition, he said two feet could resolve three quarters of the concerns.

Commissioner McIntee suggested a five foot sidewalk and keep the buffer.

Vice Mayor Yanni believed the Town needed to help people being affected. He pointed out that A1A had a five foot sidewalk without a buffer. Vice Mayor Yanni suggested a twenty foot roadway, a two foot curb, a four foot buffer, a five foot sidewalk, and no landscaping. He added that if there was no landscaping there would be no pavers. Planner Keller said the savings was minimal and there were other options, such as asphalt, that could be used instead.

Mayor Parker believed a ten foot roadway, six foot buffer, and a five foot sidewalk would solve 75% of all problems and asked how long the project would be delayed if the Commission chose that plan. Planner Keller said it would be delayed about two to three months.

Mayor Parker made a motion to approve the project as it is but with a five foot sidewalk. Commissioner McIntee seconded the motion.

Mayor Parker made a motion to approve a ten foot roadway, six foot buffer, two foot curb, and a five foot sidewalk. Commissioner McIntee seconded the motion.

Commissioner Silverstone suggested narrowing the existing landscaping without any mayor changes. Planner Keller said he would prefer to go through the drawings to determine whether the sidewalk could be moved a little more with losing the trees.

Commissioner Silverstone made a friendly amendment to move the sidewalk five feet, encroach into the buffer area, and keep the roadway uniform. Mayor Parker seconded the motion.

Commissioner Silverstone asked for an approximate cost to put a simple sidewalk on Washingtonia. Planner Keller for a five foot sidewalk with no permanent gutter and placed at the right-of-way on one side of the road, between Seagrape Drive and Poinciana Street, it would be between \$20,000 and \$30,000.

Mayor Parker asked if the project could be done as a change order. Attorney Cherof believed it could be and said he would check the contract.

Commissioner McIntee pointed out that the present poles on Seagrape Drive were being removed. He added that AT & T was still going to replace the poles for hurricane resistance whether or not the Town did the sidewalks now.

Vice Mayor Yanni pointed out that the poles were three to four feet in the right-of-way now. He added that once the poles were relocated and replaced, they would all line up.

Town Commission Special Meeting Minutes
September 5, 2007

Mayor Parker wanted to keep the plan as it was with one modification.

In a roll call vote, the motion carried 3-2 with Vice Mayor Yanni and Mayor Pro Tem Clark dissenting.

5. ADJOURNMENT

Commissioner McIntee made a motion to adjourn. As there were no objections or any further business to discuss, Mayor Parker adjourned the meeting at 7:13 p.m.

Oliver Parker, Mayor

ATTEST:

June White, Town Clerk

Date:_____